

REMARKS/ARGUMENTS

Claims 1-24, 33-49, 51, 57-63, 71, 75-77, 100 and 110-115 are pending in this application.

Claims 43-48, 57-63, 71, 100 and 110-115 have been withdrawn from consideration by the Examiner. By this Amendment, the title, drawings, Abstract, specification and claims 1-21, 23, 24, 33-49, 51, 57-61, 71, 75-77, 100 and 110-114 are amended. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Restriction/Election Requirement

Applicants maintain the traversal of the Restriction/Election Requirement set forth in the Patent Office Communication dated August 6, 2008. It is noted that the Examiner has withdrawn claims 43-48, 57-63, 71, 100 and 110-115 from consideration. Upon allowance of generic independent claim 1, these claims should be rejoined.

II. Objection to the Drawings

The Office Action objects to the drawings under 37 CFR 1.84(p)(5), asserting that the “lower cap 5” and the “second valve 220” are not shown in the drawings. Figures 1, 14, 25 and 34 have been amended to include the reference number 5 to properly identify the lower cap. The references in the specification to the second valve shown in Figures 2, 3 and 9-11 have been amended to read “the second valve 120.” It is noted that, in the embodiment shown in Figures 15, 16, 19 and 20, the second valve 220 is numbered correctly, and the corresponding portions

of the specification properly reference the second valve 220. Accordingly, it is respectfully submitted that the drawings meet the requirements of 37 CFR 1.84(p)(5), and thus this objection to the drawings should be withdrawn.

The Office Action also objects to the drawings under 37 CFR 1.84(p)(4), asserting that reference character 27c has been used to designate both the “suction port” and the “suction valve.” It is respectfully submitted that the amendments to the drawings and the specification submitted herewith are responsive to the Examiner’s comments, and that the drawings meet the requirements of 37 CFR 1.84(p)(4). Accordingly, this objection to the drawings should be withdrawn.

III. Objections to the Specification

The Office Action objects to the Abstract due to informalities. It is respectfully submitted that the Substitute Abstract submitted herewith is responsive to the Examiner’s comments, and thus the objection should be withdrawn.

The Office Action also objects to the title, asserting that the title is non-descriptive. It is respectfully submitted that the amendment to the title submitted herewith is responsive to the Examiner’s comments, and thus the objection should be withdrawn.

The Office Action also requests that the specification be checked and minor errors corrected. The specification has been checked, and minor corrections thereto are reflected in the Substitute Specification submitted herewith. No new matter is added.

IV. Obviousness-Type Double Patenting and Terminal Disclaimer

The Office Action provisionally rejects claims 1-24, 33-42, 49 and 51 under the judicially created doctrine of obviousness-type double patenting over claims 1-24, 33-42, 49 and 51 of co-pending U.S. Application Serial No. 10/560,112 (hereinafter “the ‘112 application”). This rejection is respectfully traversed.

Applicants respectfully submit that claims 1-24, 33-42, 49 and 51 of the present application are not obvious over claims 1-24, 33-42 and 49 of the ‘112 application. However, notwithstanding that many of the claims in this application recite features not recited in claims 1-24, 33-42 and 49 of the ‘112 application, merely to expedite prosecution of the application, Applicants submit a Terminal Disclaimer. It is respectfully submitted that the Terminal Disclaimer is sufficient to overcome the double patenting rejection. Withdrawal of the rejection of claims 1-24, 33-42, 49 and 51 of the present application over claims 1-24, 33-42 and 49 of the ‘112 application under obviousness-type double patenting is respectfully requested.

V. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 19 and 38 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. It is respectfully submitted that the amendments to claims 19 and 38 are responsive to the Examiner’s comments, and that claims 19 and 38 meet the requirements of 35 U.S.C. §112, second paragraph. Accordingly, the rejection should be withdrawn.

Serial No. 10/560,084
Reply to Office Action of December 10, 2008

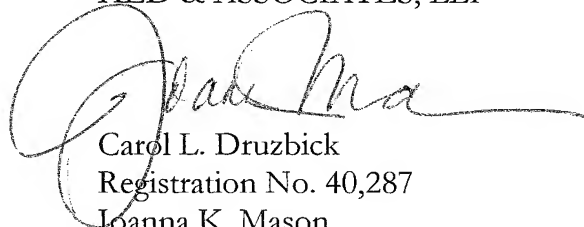
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VI. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Joanna K. Mason, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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